



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Hansen, et al.
Appl. No.: 10/824,376
Conf. No.: 6618
Filed: April 15, 2004
Title: CHOCOLATE FLAVOR MANIPULATION
Art Unit: 1761
Examiner: C.A. Paden
Docket No.: 112701-574

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR §1.181(a) TO WITHDRAW HOLDING OF
ABANDONMENT - OFFICE ACTION NOT RECEIVED**

Sir:

Applicants presently submit a Petition to Withdraw the Holding of Abandonment in this case in light of the Notice of Abandonment mailed November 4, 2005.

The undersigned presently submits a signed statement that the Office Action dated April 5, 2005 was never received, and that a search of the file jacket and docket records indicates that the Office Action was not received. A copy of the docket record for July 5, 2005 is further enclosed (attached as Exhibit A) indicating all applications for which a response was due on said date. Accordingly, it is earnestly requested that the Petition to Withdraw Holding of Abandonment be granted.

Applicants submit that the guidelines for granting a Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a) outlined in the Manual of Patent Examining Procedure (the "MPEP") chapter 711.03(c)(I)(B) (8th ed., May 2004) have been satisfied. In accordance with 37 CFR 1.181(f), this petition is timely filed as it is submitted within two months of the alleged date of abandonment. No petition fee is required.

In view of the foregoing, Applicants respectfully submit that this application should not be considered abandoned for failure to timely respond to the April 5, 2005 Office Action because

they did not receive the Office Action and therefore were not able to file a timely reply to same.
Acknowledgement of the active status of this application is respectfully requested.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Robert M. Barrett
Reg. No. 30,142
Customer No. 29157

Dated: November 11, 2005



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DECLARATION

Sir:

I, Robert M. Barrett, am an attorney of record for the above-referenced U.S. Patent Application.

I further note that I am the individual responsible for maintaining a patent application file for this application with my law firm, Bell Boyd & Lloyd. Included in the maintenance of this patent application file is the recordation of all documents filed with the U.S. Patent and Trademark Office (such recordation being in the form of actual copies of all documents).

I hereby state that, after searching the file jacket for the present application and reviewing the docketing records associated therewith, the Office Action mailed on April 5, 2005 was never received at our office. In support of this statement I hereby attach a copy of the docket record for the present application where the non-received Office Action would have been entered had it been received and docketed (attached as Exhibit A).

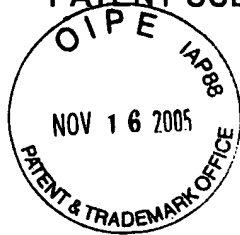
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: November 11, 2005

Robert M. Barrett

PATENT USER ACTION REPORT BY DUE DATE

FROM: 7/5/2005
 THROUGH: 7/5/2005
 STATUS: ACTIVE
 COUNTRY: US
 ACTION: RE, FR, IF, G2



Printed: 11/11/2005 Page 1

REFERENCE#	MARK/TITLE	COUNTRY	ACTION	ORIGINAL DUE DT	FINAL	RESPONSE	ATTY1 / ATTY2 PARA
111065-010	VESSEL MONITORING SYSTEM	US	RESPONSE TO OA	7/5/2005	10/5/2005	7/1/2005	AHM/AHM/JYG
112300-0482	(P-424) GAMING DEVICE HAVING AN IMPROVED OFFER/ACCEPTANCE BONUS SCHEME (By George - Pass the Buck)	US	ISSUE FEE	7/5/2005	7/5/2005	6/30/2005	AHM/HMA/USM
112440-816	TRANSMITTER	US	ISSUE FEE	7/5/2005	7/5/2005	6/30/2005	RMG/MLH/AYB
112701-459	PRESERVATION OF VEGETABLES AND HERBS	US	FINAL REJECTION	7/5/2005	10/5/2005	10/5/2005	RMB/MYB/RMB
112701-465	CHEWING GUM-CONTAINING TABLET	US	FINAL REJECTION	7/5/2005	10/5/2005	9/6/2005	RMB/MYB/RMB
112701-581	NUTRITIONAL COMPOSITION FOR TREATING AN IMMUNE CONDITION	US	ISSUE FEE	7/5/2005	7/5/2005	7/5/2005	RMB/MYB/USM
112857-632	PORTABLE ELECTRONIC DEVICE AND WIRELESS CONNECTION CONTROL METHOD THEREFOR	US	MISSING PARTS (2 MO)	7/5/2005	12/5/2005	6/29/2005	TZB/TZB/TZB
114260-008	COSMETIC CASE OF BUTTON OPEN TYPE	US	RESPONSE TO OA	7/5/2005	10/5/2005	6/28/2005	RMB/RMB/RMB
116347-031	CABLE CLIP	US	ISSUE FEE	7/5/2005	7/5/2005	7/5/2005	JYG/JYG/JYG

END OF REPORT

TOTAL ITEMS SELECTED = 9

DPW/ABC

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 112701-574	
In Re Application Of: Hansen et al.					
<div style="border: 1px solid black; border-radius: 50%; padding: 10px; display: inline-block;">NOV 16 2005 PATENT & TRADEMARK OFFICE</div>					
Application No. 10/824,376	Filing Date April 15, 2004	Examiner C.A. Paden	Customer No. 29157	Group Art Unit 1761	Confirmation No. 6618
Title: CHOCOLATE FLAVOR MANIPULATION					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is: Transmittal Letter (duplicate); Petition Under 37 CFR Section 1.181(a) to Withdraw Holding Of Abandonment - Office Action Not Received (2 pgs.); Declaration of Robert Barrett (1 pg.); with attached Exhibit A - Docketing Record (1 pg.); return receipt postcard. in the above identified application.					
<div><input type="checkbox"/> No additional fee is required.</div> <div><input type="checkbox"/> A check in the amount of _____ is attached.</div> <div><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 02-1818 as described below.<div><input type="checkbox"/> Charge the amount of _____</div><div><input checked="" type="checkbox"/> Credit any overpayment.</div><div><input checked="" type="checkbox"/> Charge any additional fee required.</div></div> <div><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</div>					
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="text-align: center;">Signature</div> Robert M. Barrett Reg. No. 30,142			Dated: November 11, 2005		
cc:			<div>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on</div> <div style="text-align: center;">11/11/05</div> <div style="text-align: center;">(Date)</div> <div style="text-align: center;"> Signature of Person Mailing Correspondence</div> <div style="text-align: center;">Heather Foster</div> <div style="text-align: center;">Typed or Printed Name of Person Mailing Correspondence</div>		